

DEC - 7 2005

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

Michael N. Milby, Clerk of Court

THE FORREST GROUP, INC.

§

V.

§

CIVIL ACTION NO. _____

§

BON TOOL COMPANY, CIBON
INDUSTRIAL AND SHANGHAI
HONEST TOOL CO., LTD.

§

§

§

H 05 - 4127

COMPLAINT FOR PATENT INFRINGEMENT

COMES NOW, The Forrest Group, Inc., a Texas corporation, with its principal place of business in Houston, Texas, ("Forrest Group" hereinafter) who does allege that:

1.

This action arises under the Patent Laws of the United States, **35 U.S.C.A. § 271** and **281**.

JURISDICTION AND VENUE

2.

This Court has jurisdiction over the subject of this action pursuant to **28 U.S.C.A. § 1331**, **1332(a)(1)**, and **1338(a)**.

3.

Venue is proper in this Court pursuant to **28 U.S.C.A. § 1400(b)**.

4.

This Court has subject matter jurisdiction in accordance with **28 U.S.C. §§ 2201, 2202, 1331, 1332**, and **1338**.

5.

The amount in controversy, exclusive of costs, exceeds the sum of \$75,000.

6.

Defendants herein are Bon Tool Company, a foreign corporation, ("Bon Tool" hereinafter), Cibon Industrial, a foreign corporation, ("Cibon" hereinafter) Shanghai Honest Tool Co., Ltd. a foreign corporation, ("Honest Tool" hereinafter) (hereinafter jointly referred to as "Defendants") who are justly and truly indebted unto the Forrest Group as hereinafter set forth.

7.

On July 08, 1997, United States Patent No. 5,645,515 was issued to William D. Armstrong ("the '515 patent"). A copy of the '515 patent is attached as Exhibit 1.

8.

All rights under said patent have been assigned to the Forrest Group who is the current owner of the '515.

9.

Since 1997, Plaintiff has commercially exploited Plaintiff's invention by manufacturing and selling stilts constructed as described in Plaintiff's patent. Each such stilt manufactured by Plaintiff is packaged in a container with a label marked "Patent No. 5,645,515".

10.

Plaintiff has notified Defendants of the infringement referred to in this complaint and demanded that such infringement cease. Defendants have refused to cease such infringement.

11.

Defendants have offered for sale products which violate the 515 patent.

12.

Cibon and Honest Tool have manufactured and offered for sale in Texas, and other states in the United States, stilts which infringe upon the 515 patent.

13.

Bon Tool has offered for sale and sold stilts which infringe on the 515 patent in the State of Texas.

14.

Plaintiff alleges that the device sold by Defendants and described above is different in only minor and unimportant ways from the device for which Letters Patent No. 5,645,515 was issued to Plaintiff. Both devices do the same work in substantially the same way and accomplish substantially the same result. The only differences between them is the lack of a resilient lining in the yoke, and the possibility of changing Plaintiff's device in these minor ways while retaining its essential function, means, and result, would have been obvious to persons reasonably skilled in the art of stilt design even before such changes were made by Defendants. Therefore, Defendants' sale of stilts described in paragraph above infringes Plaintiff's patent.

**COUNT I - DECLARATION OF INFRINGEMENT OF U.S. PATENT NO. 5,645,515
INJUNCTIVE RELIF PROHIBITING FURTHER INFRINGMENT**

15.

The Forrest Group is entitled to a declaration that the stilts manufactured by Cibon and sold by Bon Tool infringe upon the 515 patent.

16.

As a result of the sale by Defendants of stilts infringing upon the 515 patent, the Forrest Group will suffer irreparable injury and is entitled to injunctive relief.

COUNT II – DAMAGES DUE FOR INFRINGEMENT OF U.S. PATENT NO. 5,645,515

17.

As a result of the sale by Defendants of stilts infringing on the 515 patent, the Forrest Group has suffered damages in an amount to be determined by this Court. Such infringement is injuring Plaintiff in that it is diverting from Plaintiff to Defendants customers who would otherwise buy Plaintiff's stilts at the prices charged by Plaintiff. Because the damages Plaintiff has sustained and will incur in the future on account of Defendants' infringement are uncertain and impossible to calculate accurately, Plaintiff has no adequate remedy at law.

18.

The acts of Defendants were deliberate, willful and intentional.

19.

As a result of Defendants' infringement of the Forrest Group's Patent, the Forrest Group has suffered and is continuing to suffer irreparable injury, for which Plaintiff cannot be adequately compensated by damages alone.

20.

As a result of Defendants' infringement of the Forrest Group's Patent, the Forrest Group has suffered damage to its business in the form of diversion of trade, loss of profits, injury to goodwill and reputation, and a dilution in the value of its rights, including patent rights, all in amount which are not yet fully ascertainable.

WHEREFORE, it is further preyed that service and citation issue herein and that after all due proceedings that there be judgment against Bon Tool Company, Shanghai Honest Tool Co., Ltd. and Cibon Industrial:

I. Declaring that the stilts manufactured by Cibon Industrial and Shanghai Honest Tool Co., Ltd. and sold by Defendants infringe upon U.S. PATENT NO. 5,645,515;

II. Granting a permanent injunction against the manufacturing or marketing of products and/or stilts which in anyway infringe upon U.S. PATENT NO. 5,645,515

III. An Order requiring Bon Tool Company, Shanghai Honest Tool Co., Ltd. and Cibon Industrial to account to the Forrest Group for any and all profits derived due to their infringement of the Patent.

IV. A trebling of damages found to have been caused by the intentional infringement of the Patent by Cibon Industrial, Shanghai Honest Tool Co., Ltd. and Bon Tool Company.

V. Plaintiff be awarded damages against Cibon Industrial, Shanghai Honest Tool Co., Ltd. and Bon Tool Company in the sum of \$500,000, an amount adequate to compensate plaintiff for such infringement and not less than a reasonable royalty for the use made of plaintiff's invention by defendant, together with interest and costs as fixed by the court, as provided by **35 U.S.C.A. § 284**;

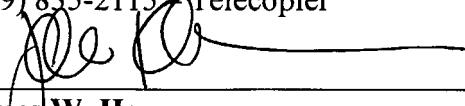
VI. Plaintiff be awarded the additional sum of \$50,000, on account of the willful and intentional character of defendant's infringing acts, as provided by **35 U.S.C.A. § 284**;

VII. Plaintiff be awarded plaintiff's attorney fees, as provided by **35 U.S.C.A. § 285**; and

VIII. Plaintiff be awarded costs and such other and further relief as the court deems proper.

Respectfully submitted,

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EXHIBIT 1

**United States Patent [19]**

Armstrong et al.

[11] Patent Number: **5,645,515**[45] Date of Patent: **Jul. 8, 1997****[54] STILT SYSTEM**

[76] Inventors: William D. Armstrong, 516 53rd St., Galveston, Tex. 77551; Joe Lin, 4114 Kingcotton La., Missouri City, Tex. 77459

[21] Appl. No.: 504,378

[22] Filed: Jul. 19, 1995

[51] Int. CL⁶ A63B 25/02

[52] U.S. Cl. 482/75; 482/76

[58] Field of Search 482/75, 76

[56] References Cited**U.S. PATENT DOCUMENTS**

3,102,272 9/1963 Emmert.
3,902,199 9/1975 Emmert.

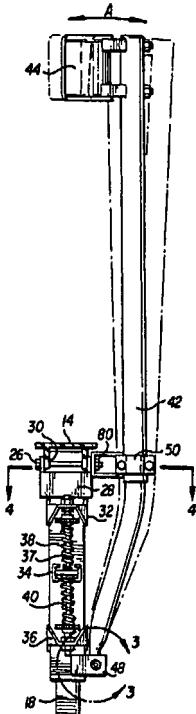
Primary Examiner—Lynne A. Reichard

[57] ABSTRACT

An improved spring-loaded parallelogram stilt. An improved leg support attachment is provided in which the leg support is attached by a capturing bracket to the rearward vertical support. A nut and bolt pass through the capturing

bracket, the bottom of the leg support and through a plastic block captured within the inside of the hollow tubular vertical leg support. A yoke structure is provided at the shoe platform level for providing further connection and adjustable support for the leg support. The yoke structure is of two pieces which surround the tubular leg support and has an inner surface made of a resilient material. The yoke structure is slidably engaged with a slot in a bracket attached to the outside of the shoe platform. The lower leg support attachment employing the capturing bracket and the yoke structure serve to prevent the leg support from accidentally becoming detached from the stilt. Improved straps are also provided, made of a suitable belt or strap material and have on the surface of the straps or belts hook and loop fastening material. The hook and loop fastening material is arranged on the surface of the straps such that multiple folds of the material create a firm, yet readily adjusted and released, attachment of the straps. This is achieved by having one flap of the strap having loop fastening material on both sides. The remaining surfaces of the strap are covered with hook fastening material. A gap or space is provided between the different fastening material patches so that fold lines are created in which a fastening buckle is engaged. The length of the strap is adjusted using an adjustment buckle.

4 Claims, 3 Drawing Sheets

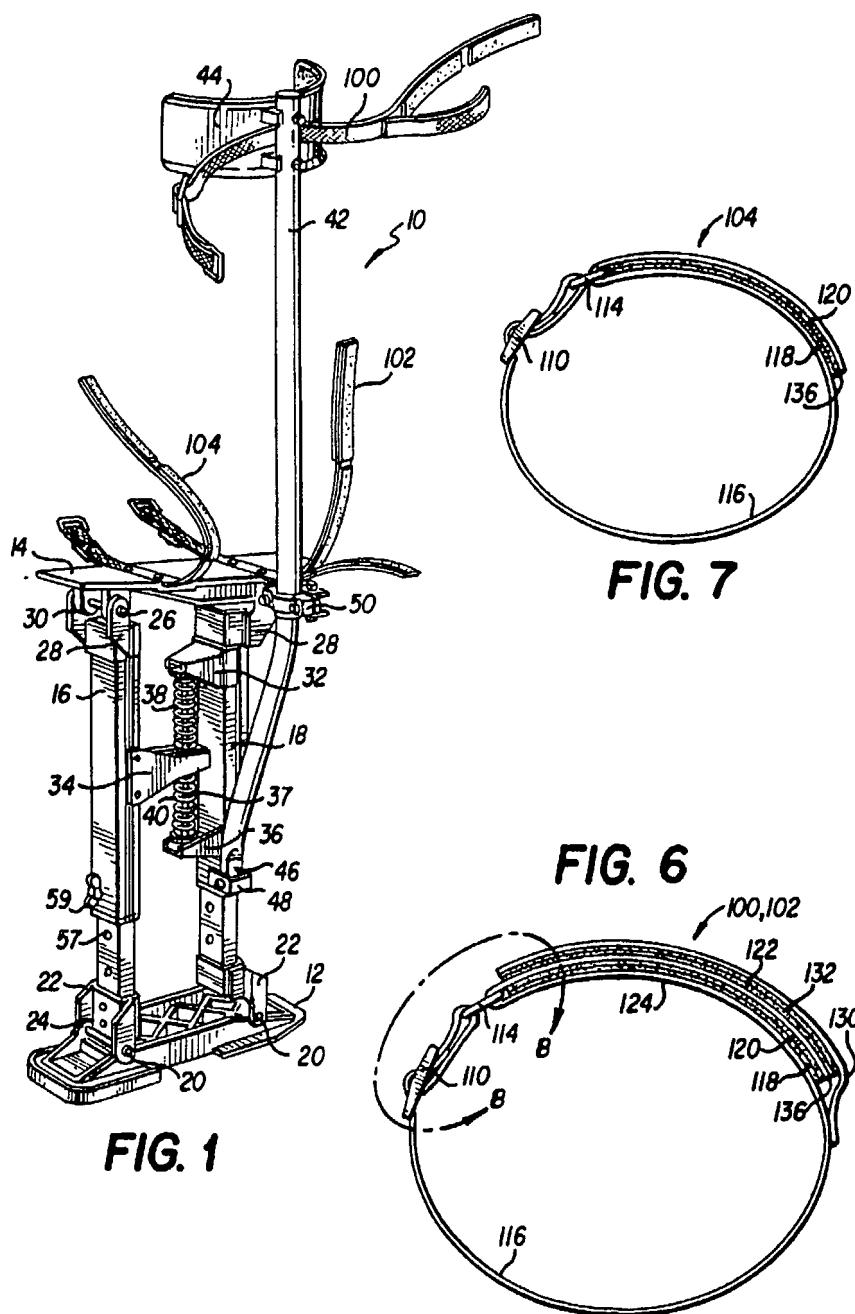


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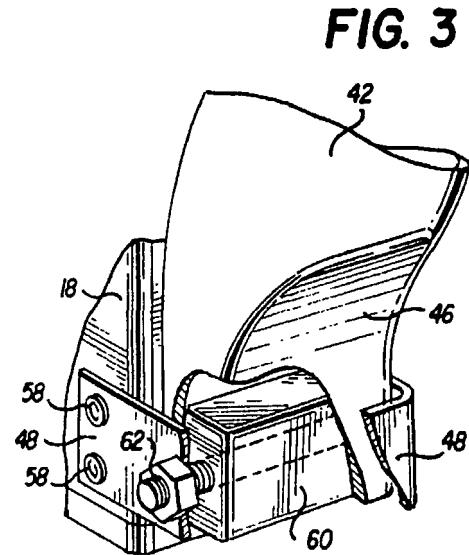
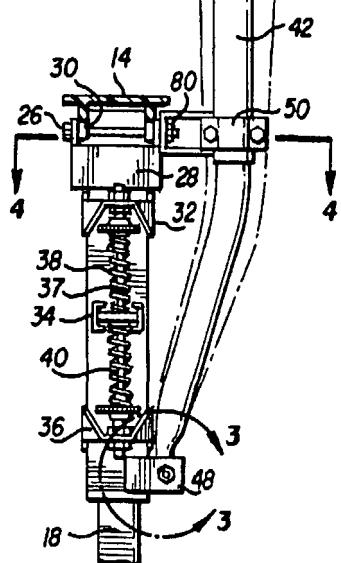
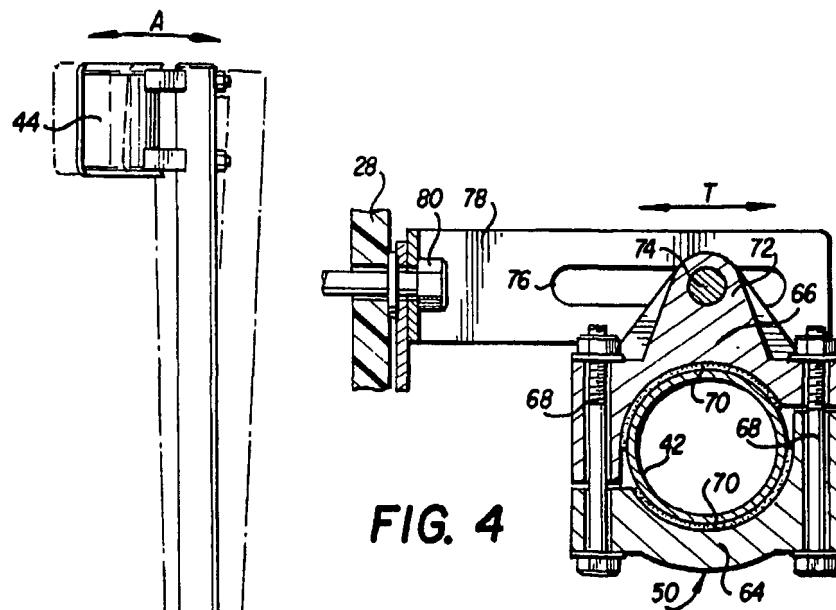


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136

FIG. 5A

120

122

136

FIG. 5B

128

118

130

132

134

128

118

130

132

134

FIG. 5C

120

128

124

126

116

100

102

104

114

114

114

116

126

116

104

114

112

110

140

138

140

138

140

138

140

138

132

122

120

118

128

114

116

112

110

138

FIG. 8

116
112
110
138

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STILT SYSTEM**FIELD OF THE INVENTION**

The present invention relates to stilt systems, particularly stilt systems used in the construction industry for accessing and hanging suspended ceiling structures, as well as accessing electrical and heating, ventilation and air conditioning duct work in such suspended ceilings.

BACKGROUND OF THE INVENTION

In order to attach fasteners, suspend a ceiling or access suspended ceiling structures and the related electrical heating, ventilation and air conditioning structures which are provided therein, construction workers and other skilled craftsmen frequently use stilt systems. Such systems permit them freedom of movement by walking, while raising the workers to a desired elevated height. Such stilts are known in the art and are sold under various trade names. One well-known stilt system is sold under the trade name DURA-STILT and is described in U.S. Pat Nos. 3,102,272 and 3,902,199, the disclosures of which are hereby incorporated by reference herein. The DURA-STILT is an adjustable stilt to be worn on each leg. It has a floor platform and a shoe platform which are connected by two parallel spring-loaded pivotally mounted vertical members. A hollow tubular leg support is attached to the rearward vertical member. Straps are provided for attaching the leg support to the user's leg and for attaching the ankle area and the toe area of the shoe to the shoe platform. Because the vertical members are pivotally attached to the upper shoe platform and the lower floor platform and are spring-loaded, the vertical members are maintained in a substantially parallelogram configuration. This permits the user to walk readily on the stilts and maintain his balance.

The prior art stilt systems had several disadvantages. The straps which attach the user's legs and shoes to the stilts were bulky and not readily fastened, unfastened and adjusted. In addition, and more importantly, the leg support member had a tendency to loosen and become detached from the stilt, thereby causing the stilt to disassemble and the user to fall.

The present invention is directed to overcoming the disadvantages of the prior art stilt systems.

SUMMARY OF THE INVENTION

The present invention is directed to improvements in the spring-loaded parallelogram stilt of the DURA-STILT type. An improved leg support attachment is provided in which the leg support is attached by a capturing bracket to the rearward vertical support. A nut and bolt pass through the capturing bracket, the bottom of the leg support and through a plastic block captured within the inside of the hollow tubular vertical leg support. A yoke structure is provided at the shoe platform level for providing further connection and adjustable support for the leg support. The yoke structure is of two pieces which surround the tubular leg support and has an inner surface made of a resilient material. The yoke structure is slidably engaged with a slot in a bracket attached to the outside of the shoe platform. The lower leg support attachment employing the capturing bracket and the yoke structure serve to prevent the leg support from accidentally becoming detached from the stilt.

Improved straps are also provided. These straps are made of a suitable belt or strap material and have on the surface of the straps or belts hook and loop fastening material such

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as VELCRO® brand fastening material. The hook and loop fastening material is arranged on the surface of the straps such that multiple folds of the material create a firm, yet readily adjusted and released, attachment of the straps. This is achieved by having one flap of the strap having loop fastening material on both sides. The remaining surfaces of the strap are covered with hook fastening material. A gap or space is provided between the different fastening material patches so that fold lines are created in which a fastening buckle is engaged. The length of the strap is adjusted using an adjustment buckle. The advantages of the present invention are shown in the drawings and the detailed description which follows.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 is a perspective view of an improved stilt in accordance with the present invention;

FIG. 2 is a detail elevational view of a leg support portion of the improved stilt in accordance with the present invention;

FIG. 3 is a partially fragmented detail view of the lower attachment of the leg support to the stilt;

FIG. 4 is a detail view of an adjustable yoke attachment of the leg support at a shoe platform level;

FIG. 5A-5C are side views of improved straps in a laid-open state prior to the ends being threaded through the adjustment buckle for adjustment and cinching;

FIG. 6 is a side view of a leg or ankle strap in engaged configuration;

FIG. 7 is a side view of a toe strap in engaged configuration; and

FIG. 8 is a detail view of an adjusted leg or ankle strap in buckled and engaged configuration.

DETAILED DESCRIPTION OF THE DRAWINGS

Referring now to the drawings, wherein like elements are denominated by like numerals, FIG. 1 shows an improved stilt, generally designated by the numeral 10, in accordance with the present invention. The stilt 10 is of an adjustable parallelogram type known in the art and sold under the trade name DURA-STILT. The stilt is comprised of a floor platform 12, a shoe platform 14, forward vertical support member 16 and rearward vertical support member 18. Forward vertical support member 16 is pivotally attached to floor platform 12 by a pin or bolt 20 fastened through bracket 22 and brushing 24. A similar arrangement of pin or bolt 26, bracket 28 and bushing 30 is provided to attach forward vertical support member 16 to shoe platform 14. Corresponding attachments are provided to attach rearward vertical support member 18 to floor platform 12 and shoe platform 14. Spring supports 32, 34 and 36 and centering rod 37 (FIG. 2) capture springs 38, 40, which provide spring biasing of the two vertical support members 16, 18. Hollow tubular leg support 42 having calf brace 44 is attached at its lower end 46 to rearward vertical support 18 by capturing bracket 48. Leg support 42 is attached to shoe platform 14 by yoke 50. Calf strap 100 is attached to calf brace 44. Ankle strap 102 is attached to the rear of shoe platform 14. Toe strap 104 is attached at the front of shoe platform 14. The straps are attached by suitable fasteners such as rivets or nuts and bolts.

Vertical support members 16, 18 are each telescoping and have adjustment holes 57 which are engaged by wing nut bolts 59, thereby permitting the vertical support members 16, 18 to be vertically adjusted.

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FIGS. 2-4 provide further details of the attachment of leg support 42 to stilt 10. Capturing bracket 48 is attached below the biasing spring assembly to rearward vertical support 18 by rivets or bolts 58. Leg support lower end 46 is shaped or contoured as shown (FIG. 3) so as to fit within capturing bracket 48. A bolt support block 60, preferably made of plastic, is fitted within leg support lower end 46. Nut and bolt assembly 62 passes through capturing bracket 48, leg support lower end 46 and bolt support block 60. In the event that nut and bolt assembly 62 should come loose or break, capturing bracket 48 will still hold leg support lower end 46 in place. As shown in FIG. 4, yoke 50 is comprised of two adjoining pieces 64, 66 which encircle tubular leg support 42 and are joined by nut and bolt assemblies 68. The inner surface of yoke pieces 64, 66 are lined with a resilient padding material 70, such as foam rubber. Yoke piece 66 has an appendage 72 with an adjustable fastening pin or bolt 74. Adjustable fastening pin or bolt 74 engages slot 76 of yoke bracket 78 which is attached by suitable means such as bolt 80 to shoe platform 14. The resilient padding material 70 permits tightening of the yoke 50 around tubular leg support 42 without deforming or otherwise damaging leg support 42. The positioning of leg support 42 in the transverse direction T is provided by positioning and tightening yoke pin 74 in yoke bracket slot 76. This permits adjustment of the leg support 42 relative to the user's leg, as shown by arrow A (FIG. 2). The stilt system is made of suitable materials such as tubular aluminum or steel for the supports, and steel, rubber or plastic for the shoe and floor platforms.

FIGS. 5-8 show an improved interleaving strap system for the improved stilt. FIGS. 5A-5C show, respectively, a calf strap 100, an ankle strap 102 and a toe strap 104. Each of these straps has similar elements which are denominated by the same numerals. Calf strap 100 has an adjustment buckle 110, with a center spindle 112. A fastening buckle 114 is mounted on strap 100. Strap 100 is made of a strip 116 of a suitable strap or belt material such as nylon. A patch of hook material 118 and two patches 120, 122 of loop material (of hook and loop material such as VELCRO®) are provided on strip 116. Loop material 122 is mounted on the back or underside 124 of the strip 116 and loop material 120 is mounted on the front or face 126 of the strip 116. A gap or space 128 is provided between hook material patch 118 and loop material patch 120. A cover strip or flap 130 of the strip material is attached to strip 116 and has a patch of hook material 132 on the underside 134 of the strip 130. As will be seen from FIGS. 5A and 5B, the construction of the calf strap 100 and ankle strap 102 are identical, with the only difference being size. As shown in FIG. 5C, toe strap 104 differs from straps 100, 102 in that no cover strip or flap is provided. As a result, there is only one loop patch 120 for closure against hook patch 118.

The straps 100, 102, 104 are assembled to be in an adjustable fashion by feeding the end 136 (and cover strip 130 for straps 100, 102) through both eyelets 138, 140 of adjustment buckle 110, resulting in a loop forming to hold fastening buckle 114 in a desired position. The location of fastening buckle 114 can be adjusted by altering the length of strip material fed through adjustment buckle 110.

FIG. 6 shows a calf strap 100 or ankle strap 102 in assembled configuration. The fastening buckle 114 is located in a desired position relative to adjustment buckle 110. The end 136 of strip 116 is folded over fastening buckle 114 at gap 128 and the loop material 120 is engaged with the hook material 118. Cover strip 130 is then folded onto the strip 116 such that hook material 132 engages with loop material 122. Thus, the adjustable calf strap 100 encloses a

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calf or the adjustable ankle strap 102 encloses an ankle of a stilt user. FIG. 7 shows a similar arrangement for toe strap 104, except that only loop material patch 120 engages hook material patch 118 and there is no cover strip.

FIG. 8 shows a detail of FIG. 6 of the fastening buckle 114, adjustment buckle 110 and the engagement of hook and loop materials.

In operation, the improved stilt system of the present invention works in a fashion similar to the prior art DURASTILT. The spring-biased and pivotally mounted vertical members 16, 18 are maintained parallel and the floor platform 12 and shoe platform 14 are maintained parallel and level. Hence, a parallelogram is maintained and the user is able to walk on the stilts 10. The prior art stilts had a problem with disassembly due to the leg support 42 coming detached from the stilt 10. That situation is averted by the capture bracket 48 and leg support end 46 arrangement of the present invention. The yoke 50 arrangement of the present invention minimizes crimping or deformation of leg support 42 due to overtightening of the yoke 50, thus avoiding a problem in the prior art stilts. In addition, the improved straps 100, 102, 104 make fastening and unfastening the stilts 10 to the user's legs and feet more secure, yet readily releasable.

Although a certain presently preferred embodiment of the present invention has been specifically described herein, it will be apparent to those skilled in the art to which the invention pertains that variations and modifications of the embodiment shown and described herein may be made without departing from the spirit and scope of the invention. Accordingly, it is intended that the invention be limited only to the extent required by the appended claims and the applicable rules of law.

What is claimed is:

1. An improved stilt comprising:

a floor platform,
a shoe platform,

a pair of substantially vertically mounted supports pivotally connecting said floor platform and said shoe platform, said vertical supports spring-biased so as to maintain said vertical supports and said platforms in a parallelogram configuration,

a leg support mounted to one of said vertically mounted supports and to said shoe platform, said mounting including a capturing bracket for engaging the lower end of said leg support and a resiliently lined yoke for engaging the leg support at the attachment to said shoe platform, said lower end and said capturing bracket engaged by a fastener so as to remain engaged despite failure of said fastener.

2. An improved stilt comprising:

a floor platform,
a shoe platform,

a pair of substantially vertically mounted supports pivotally connecting said floor platform and said shoe platform, said vertical supports spring-biased so as to maintain said vertical supports and said platforms in a parallelogram configuration,

a leg support mounted to one of said vertically mounted supports and to said shoe platform, said mounting including a capturing bracket for engaging the lower end of said leg support and a resiliently lined yoke for engaging the leg support at the attachment to said shoe platform; and

a leg support end having a reduced dimension for engaging said capturing bracket, said leg support end

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attached to said capturing bracket by a nut and bolt assembly passing through said bracket, said leg support end and a plastic block captured within said leg support end.

3. An improved stilt as in claim 2, further comprising a strap system including interleaving hook and loop fastener patches.

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4. An improved stilt as in claim 2, wherein said strap system is comprised of a strip of material having corresponding hook and loop patches arranged to be threaded through a fastening buckle and folded so as to engage and hold said strip in place.

* * * * *

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

The Forrest Group, Inc

(b) County of Residence of First Listed Plaintiff Harris
(EXCEPT IN U.S. PLAINTIFF CASES)United States Courts
Southern District FILEDof Residence of First Listed Defendant Pennsylvania
(IN U.S. PLAINTIFF CASES ONLY)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Germer Gertz, L.L.P., Post Office 4915, Beaumont, Texas 77704
(409) 654-6700

DEC - 7 2005

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)
Clerk of Court Michael N. Milby.**H 05 - 4127****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | PTF | DEF | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|---|--|---|--|--|
| <input type="checkbox"/> 110 Insurance | PERSONAL INJURY | PERSONAL INJURY | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 400 State Reapportionment |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 362 Personal Injury - Med Malpractice | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 365 Personal Injury - Product Liability | PROPERTY RIGHTS | <input type="checkbox"/> 430 Banks and Banking |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 330 Federal Employers' Liability | <input type="checkbox"/> 370 Other Fraud | <input checked="" type="checkbox"/> 830 Patent | <input type="checkbox"/> 460 Deportation |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 340 Marine | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 850 Securities/Commodities/ Exchange | <input type="checkbox"/> 480 Consumer Credit |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 855 Customer Challenge 12 USC 3410 | <input type="checkbox"/> 490 Cable/Sat TV |
| <input type="checkbox"/> 160 Stockholders' Suits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 390 Other Personal Injury | <input type="checkbox"/> 860 Selective Service | <input type="checkbox"/> 810 Securities/Commodities/ Exchange |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 410 Voting | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 850 Securities/Commodities/ Exchange |
| <input type="checkbox"/> 195 Contract Product Liability | | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 |
| <input type="checkbox"/> 196 Franchise | | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 890 Other Statutory Actions |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 891 Agricultural Acts |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 510 Motions to Vacate Sentence | <input type="checkbox"/> 862 Black Lung (923) | <input type="checkbox"/> 892 Economic Stabilization Act |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 442 Employment | Habeas Corpus: | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 443 Housing/ Accommodations | <input type="checkbox"/> 530 General | <input type="checkbox"/> 864 SSID Title XVI | <input type="checkbox"/> 894 Energy Allocation Act |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 444 Welfare | <input type="checkbox"/> 535 Death Penalty | <input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 895 Freedom of Information Act |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer. w/Disabilities - Employment | <input type="checkbox"/> 540 Mandamus & Other | <input type="checkbox"/> 710 Railway Labor Act | <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer. w/Disabilities - Other | <input type="checkbox"/> 550 Civil Rights | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| | <input type="checkbox"/> 440 Other Civil Rights | <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | |
| | | | | |
| | | | FEDERAL TAX SUITS | |
| | | | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | |
| | | | <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | |

V. ORIGIN

(Place an "X" in One Box Only)

 1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7

Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 USC Section 271, 281**VI. CAUSE OF ACTION**Brief description of cause.
Suit for patent infringement**VII. REQUESTED IN COMPLAINT:** CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ injunctive relief & damages

CHECK YES only if demanded in complaint
JURY DEMAND: Yes No**VIII. RELATED CASE(S) IF ANY**

(See instructions).

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

12/06/05

FOR OFFICE USE ONLY

RECEIPT # —— AMOUNT —— APPLYING IPP —— JUDGE —— MAG. JUDGE ——

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553
Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.